Complaints against Judges of High Courts and Supreme Court

588. SHRI AMAR SINGH: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the number of complaints of misbehaviour, misconduct etc. received against the Judges of High Courts/Supreme Court during the last two years;

(b) the action Government have taken against them;

(c) whether there is any proposal under Government's consideration to empower the Chief Justice of India to take punitive measures against erring Judges; and

(d) if so, the details thereof and by when it is likely to be brought forward?

THE MINISTER OF LAW AND JUSTICE (SHRI ARUN JAITLEY): (a) to (d) The issue of Judicial Accountability was discussed at the Conference of Chief Justices held in 1990 and on the basis of the broad consensus emerging out of the deliberations, the Chief Justice of India summed up the position as follows:

> "The Chief Justice of the High Court has the competence to receive complaints against the conduct of the Judges of his court and when he receives any he would look into it for finding out if it deserves to be closely looked into. Where he is satisfied that the matter requires to be examined, he shall have facts ascertained in such manner as he considers appropriate keeping the nature of allegations in view and if he is of the opinion that the matter is such that it should be reported to the Chief Justice of India, he shall do so.
>
> The Chief Justice of India shall act in a similar manner in regard to complaints relating to conduct of Judges of the Supreme Court and in regard to conduct of Chief Justices of the High Courts. On the basis of the facts ascertained, the Chief Justice of the High Court or the Supreme Court, as the case may be shall take such appropriate action as may be considered proper, keeping the interests of the judiciary as the paramount consideration."

2. The complaints received against the Judges of the Supreme Court and the High Courts are dealt within the manner indicated above.

3. It is, however, not possible to indicate the number of complaints received against the Judges of the Supreme Court and High Courts.

4. The Government is committed to setting up of a National Judicial Commission, which *inter-alia* would draw up a Code of Ethics for Judges of the Supreme Court and High Courts.

5. The National Commission to Review the Working of the Constitution has recommended that a permanent Committee comprising the Chief Justice of India and two senior-most Judges of the Supreme Court of India, be empowered to examine complaints of deviant behaviour of all kinds and complaints and misbehaviour and incapacity of Judges of the Supreme Court and the High Courts. The recommendation would be taken into account while establishing the National Judicial Commission.

Amendment in Right to Silence

589. SHRI P. PRABHAKAR REDDY: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government have a proposal under consideration to amend the "right to silence" as granted by the Indian Constitution;

(b) if so, the details there of and reasons therefor;

(c) whether Government would consider the view-point of the Law Commission in this regard; and

(d) if not, the reasons therefor?

THE MINISTER OF LAW AND JUSTICE (SHRI ARUN JAITLEY): (a) to (d) The information is being collected and it will be laid on the Table of the House.

Law Commission for sweeping changes in criminal laws

590. SHRI K. RAMA MOHANA RAO: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that the Law Commission has recommended for sweeping changes in the criminal laws governing arrest to strike a balance between liberty of citizens and societal interest for the maintenance of peace and law and order;